

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

S.K., et al.,

Plaintiffs,

v.

JUPITER RESEARCH, LLC, et al.,

Defendants.

Case No. 24-cv-09090-VC

**ORDER GRANTING DEFENDANTS'  
MOTIONS TO DISMISS**

Re: Dkt. Nos. 72, 73

As discussed at the hearing on the motions to dismiss, there are several serious problems with the Indirect Purchaser Plaintiffs' Second Amended Complaint. For example, the plaintiffs have plainly failed to allege a Sherman Act Section 1 per se violation, but the complaint does not specify whether the plaintiffs are also pursuing a rule of reason claim. The plaintiffs also do not explain how they have federal antitrust standing given that they participate only in the market for filled cannabis vapes, which are illegal under federal law. And the complaint asserts numerous state law claims where there is no plaintiff to bring the claim.

The motions to dismiss are therefore granted with leave to amend. Any amended complaint must be filed within 21 days. The plaintiffs should not assume that the issues highlighted in this order cover all the problems with the complaint.

**IT IS SO ORDERED.**

Dated: December 2, 2025



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VINCE CHHABRIA  
United States District Judge

